

**ASSEMBLY BILL**

**No. 1057**

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**Introduced by Assembly Member Medina**

February 26, 2015

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An act to add Section 47604.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1057, as introduced, Medina. Charter schools.

(1) The Ralph M. Brown Act requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend.

This bill would expressly state that a charter school is subject to the Ralph M. Brown Act, unless it is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the charter school would be subject to the Bagley-Keene Open Meeting Act.

(2) The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless the records are exempt from disclosure.

This bill would expressly state that a charter school is subject to the California Public Records Act.

(3) The Political Reform Act of 1974 requires every state agency and local governmental agency to adopt a conflict-of-interest code, formulated at the most decentralized level possible, that requires designated employees of the agency to file statements of economic

interest disclosing any investments, business positions, interests in real property, or sources of income that may foreseeably be affected materially by any governmental decision made or participated in by the designated employee by virtue of his or her position.

This bill would expressly state that a charter school is subject to the Political Reform Act of 1974.

(4) This bill would state various exceptions and clarifications regarding the applicability of the acts described above in paragraphs (1) to (3), inclusive.

(5) Existing law requires a member of the governing board of a school district to abstain from voting on personnel matters that uniquely affect a relative of the member.

This bill would expressly authorize an individual to serve as a member of the governing body of a charter school and be employed in a separate position at that charter school. The bill would require such a member of the governing body of a charter school to abstain from voting on all matters uniquely affecting his or her own employment. The bill would require a member of the governing body of a charter school to abstain from voting on personnel matters that uniquely affect a relative of the member, except as provided.

(6) This bill would make these provisions operative on July 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. It is the intent of the Legislature in enacting this
- 2     act to do all of the following:
- 3     (a) Establish conflict-of-interest policies for the governing body
- 4     of charter schools that mirror existing conflict-of-interest policies
- 5     followed by the governing board of school districts.
- 6     (b) Provide transparency in the operations of the many charter
- 7     schools that are providing quality educational options for parents
- 8     and pupils and renew the faith of parents and the community that
- 9     their local charter school is acting in the best interests of pupils.
- 10    (c) Continue to provide greater autonomy to charter schools
- 11    than traditional public schools and provide greater transparency
- 12    to parents and the public with regard to the use of public funds by
- 13    the governing body of charter schools for the educational benefit
- 14    of their pupils.

1 (d) Establish standards and procedures consistent with the  
2 Charter Schools Act of 1992 to avoid conflicts of interest in charter  
3 schools.

4 SEC. 2. Section 47604.1 is added to the Education Code, to  
5 read:

6 47604.1. (a) A charter school is subject to all of the following:

7 (1) The Ralph M. Brown Act (Chapter 9 (commencing with  
8 Section 54950) of Part 1 of Division 2 of Title 5 of the Government  
9 Code), except that a charter school operated by an entity governed  
10 by the Bagley-Keene Open Meeting Act (Article 9 (commencing  
11 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title  
12 2 of the Government Code) is subject to the Bagley-Keene Open  
13 Meeting Act regardless of the authorizing entity.

14 (2) The California Public Records Act (Chapter 3.5  
15 (commencing with Section 6250) of Division 7 of Title 1 of the  
16 Government Code).

17 (3) The Political Reform Act of 1974 (Title 9 (commencing  
18 with Section 81000) of the Government Code).

19 (b) Notwithstanding Article 4 (commencing with Section 1090)  
20 of Chapter 1 of Division 4 of Title 1, an individual may serve as  
21 a member of the governing body of a charter school and be  
22 employed in a separate position at that charter school. Such a  
23 member of the governing body of a charter school shall abstain  
24 from voting on all matters uniquely affecting his or her own  
25 employment.

26 (c) A member of the governing body of a charter school shall  
27 abstain from voting on personnel matters that uniquely affect a  
28 relative of the member but may vote on collective bargaining  
29 agreements and personnel matters that affect a class of employees  
30 to which the relative belongs. For purposes of this section,  
31 “relative” means an adult who is related to the person by blood or  
32 affinity within the third degree, as determined by the common law,  
33 or an individual in an adoptive relationship within the third degree.

34 (d) A person who is disqualified by the California Constitution  
35 or laws of the state from holding a civil office shall not serve on  
36 the governing body of a charter school.

37 (e) To the extent that the governing body of a charter school  
38 engages in activities that are not related to the operation of the  
39 charter school, this section does not make those unrelated activities  
40 subject to the Ralph M. Brown Act, the Bagley-Keene Open

1 Meeting Act, or the California Public Records Act. A meeting of  
2 the governing body of a charter school to discuss items related to  
3 the operation of the charter school shall not include discussion of  
4 any item regarding an activity of the governing body that is not  
5 related to the operation of the charter school.

6 (f) The governing body of a charter school may meet within the  
7 physical boundaries of the county or counties in which one or more  
8 of the charter school's facilities are located provided that proper  
9 notices pursuant to the Ralph M. Brown Act and the Bagley-Keene  
10 Open Meeting Act are posted within the physical boundaries of  
11 each of the counties in which any of the charter school's facilities  
12 are located. A charter school also may meet in a county contiguous  
13 to the county where one or more of the charter school's facilities  
14 are located if at least 10 percent of the pupils who are enrolled in  
15 the charter school reside in that contiguous county. A  
16 nonclassroom-based charter school that does not have a facility  
17 may meet within the boundaries of the county in which the greatest  
18 number of pupils who are enrolled in the charter school reside.

19 (g) The governing body of a charter school may hold closed  
20 sessions to consider a matter regarding pupil discipline as described  
21 in Section 48912.

22 (h) For purposes of the Political Reform Act of 1974, the  
23 jurisdiction of a charter school shall be the county or counties in  
24 which the charter school's facility or facilities are located. The  
25 jurisdiction for a nonclassroom-based charter school that does not  
26 have a facility shall be the physical boundaries of the county or  
27 counties where at least 10 percent of the pupils who are enrolled  
28 in the charter school reside or, if at least 10 percent of the pupils  
29 do not reside in a single county, the county in which the greatest  
30 number of pupils who are enrolled in the charter school reside.

31 (i) A statement of economic interest that is filed by a designated  
32 person at a charter school after the required deadline pursuant to  
33 the Political Reform Act of 1974 shall not be the sole basis for  
34 revocation of a charter pursuant to Section 47607.

35 (j) For purposes of this section, "facility" means a charter school  
36 campus, resource center, meeting space, or satellite facility.

37 (k) This section shall become operative on July 1, 2016.